

**Beaver County
Planning & Zoning Commission
January 21, 2020
6:30p.m.**

Minutes

Attendance: Drew Coombs- Acting Chairman, Don Noyes, Karianne Jarvis, Bryan Graham, Brandon Yardley, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator. Kolby Blackner and Brady Bradshaw were not in attendance.

Visitors: Keith Erickson, Beverly Erickson, Kirk Fullmer, Christine Fullmer, Weston Finch, Kara Finch, Justin Finch, David Blackner and Jay Moyes.

Called to Order at 6:30p.m.

Acting Chairman, Drew Coombs, welcomed visitors, introduced new board member, Brandon Yardley and asked for nominations for a new committee chairman. Don Noyes made the motion to nominate Drew Coombs as the chairman. Karianne Jarvis seconded the motion. Brandon Yardley and Bryan Graham voted for, thus the motion passed unanimously. Drew Coombs accepted the nomination

Chairman Coombs asked for nominations for a vice chairman, to conduct the meeting when he is not able to attend. Bryan Graham made the motion to nominate Kolby Blackner as the vice chairman. Don Noyes seconded the motion. Karianne Jarvis and Brandon Yardley voted for, thus the motion passed unanimously. Kolby Blackner accepted the nomination at a later time.

MINUTES:

Minutes from the November 19, 2019 meeting were reviewed. Don Noyes made a motion to approve the minutes. Karianne Jarvis seconded the motion. Bryan Graham and Brandon Yardley voted for, thus the motion passed unanimously.

REZONEMENT:

Zoning Administrator, Kyle Blackner, took a few minutes and explained to the board and visitors that it is our desire to correct previous zoning discrepancies with ordinance 2020-01. There are four specific areas that need to be addressed. Previously the Hi-Lo Estates subdivision was incorrectly zoned Agriculture (A-5), but needs to be rezoned to FR-.5. The parcels South and East of Whispering Pines & Canyon View subdivisions to the Forest Service boundary are currently zoned MU-20, but should be zoned FR-1. Additionally, the parcels East of the State Trust Land near LeBaron Reservoir are currently zoned MU-20, but should be zoned FR-.5 & FR-1. Chairman Coombs asked if Mr. Blackner would list the permitted and conditional uses in the FR District. Mr. Blackner read them aloud. Brandon Yardley asked if grazing was a permitted use in a FR District. Mr. Blackner said that although the majority of the area is used for grazing, neither the FR or MU Districts actually have grazing as a permitted use and suggested that we add it to both districts. Dave Blackner inquired about the FR-1 District, asking if the change was intended to promote subdivision development.

Mr. Blackner assured him that it was not and that anyone wanting to pursue such a project would have to go through the entire subdivision process. At this time, Chairman Coombs asked for a motion to go into the public hearing so we could hear more of Dave Blackner's concerns. Bryan Graham made a motion to open the public hearing. Don Noyes seconded the motion. Brandon Yardley and Karianne Jarvis voted for, thus the motion passed unanimously. Dave Blackner was concerned about grazing and did not want this rezonement to limit his opportunity to graze. He is for the rezonement if grazing and pasturing are added as permitted uses. Jay Moyes would also like to see grazing and pasturing added as permitted uses. He wanted to be sure about his greenbelt status; that it would be retained, in either district, and his taxes would not change. Chairman Coombs said he is concerned about the change, as he is fearful that recreation seems to trump everything, and perhaps it should remain an MU District. Mr. Blackner then reviewed the conditional uses in MU District, again, stating that he was more concerned those uses would overtake the FR uses. Chairman Coombs and Jay Moyes inquired if the board should resolve all issues before moving forward with the rezonement. Mr. Blackner stated that no grazing would be happening in this area over the next several months, so we had ample time to resolve the issue. Kirt Fullmer inquired about a lot line adjustment, specific only to his property, and asked what would be required to subdivide the lots. As there were no additional comments, Brandon Yardley made a motion to close the public hearing. Don Noyes seconded the motion. Karianne Jarvis and Bryan Graham voted for, thus the motion passed unanimously.

Mr. Blackner provided the board a brief history of the previous P/Z Boards' discussions of this issue. Brandon Yardley was concerned about the lack of grazing/pasturing in the current language. Bryan Graham was for the proposed rezonement if we added grazing & pasturing. Mr. Blackner suggested that we could make a recommendation for the zone change tonight, then at our February meeting we could add those additional permitted uses to both zones. The county commission would then hear both ordinances, together in March. If approved, all changes would become effective at the same time. All board members felt good about this proposal. Bryan Graham made a motion to recommend the county commission accept the zone change, with the intention of adding the pasturing/grazing as permitted uses. Karianne Jarvis seconded the motion. Brandon Yardley was opposed. Don Noyes stated that he was confused, thus the motion failed. After a few minutes of further discussion and clarification, Bryan Graham again made the same motion, to recommend the county commission accept the zone change, with the intention of adding the pasturing/grazing as permitted uses. Karianne Jarvis seconded the motion. Don Noyes and Brandon Yardley voted for, thus the motion passed unanimously.

REZONEMENT:

Justin & Kara Finch came before the board seeking an amendment to the zoning map from Agriculture (A-5fm) to Neighborhood Commercial (CN) in Sec. 19, T28S, R10W. They have recently constructed a large 8000 square foot truck shop to use for maintenance and repair of semi-trucks for their own freighting business. Another company has contacted them, asking if they would contract to do maintenance and repairs on their trucks. In order to do this, the property would have to be rezoned. Don Noyes asked what the definition of Neighborhood Commercial was. Justin said that he was not sure and deferred to Mr. Blackner, who stated it was business in neighborhood areas. The board then looked at the parcel overlay to identify the seven homes in the neighborhood. Don Noyes then read the definition of (CN) and said he didn't know if the Finch's use met the definition. Attorney, Von Christiansen, asked Mr. Finch if he had talked to his neighbors about this endeavor. Justin said he had only spoken with one neighbor, Cory Beebe, who was fine with it.

Mr. Blackner stated that a few of the Finchs' neighbors had called him, with their concerns, mostly about the exterior lighting of the shop. He explained to both of them that if the zone change was approved, the next step would be to obtain a Conditional Use Permit, where we could impose conditions that would mitigate their concerns. Brandon Yardley asked what the current CUP allowed for. Mr. Blackner said they could have the business there, working on their own trucks, but not anyone else's. Brandon Yardley agreed that the definition did not match the use of the Finch's shop. Jared Gillins reminded the board that it actually was a conditional use in the CN District. Board members then reviewed the commercial chart to see all of the sub-categories and conditional uses in them. Under the "Services" sub-heading was listed: Automobile/truck/ implement repair and services. Mr. Blackner clarified that the neighborhood was more in line with the agricultural neighborhood surrounding the shop, not the residential neighborhood. Eventually, the Finch's hope to build a home on their lot, to the north of the shop, thus providing the neighbors somewhat of a buffer. Brandon Yardley inquired why they didn't seek the rezonement, prior to building the shop. He was voicing the concerns of neighbors who felt like the Finchs had declared one plan, with every intention to develop another. Mr. Finch said that they would have built the shop for their own purposes, regardless. Mrs. Finch stated that their initial business plan had advanced. Other items of discussion included the current amount of truck traffic at the shop, truck traffic on the adjacent roads, adequate turn in for truck access to the shop, etc.

Don Noyes made a motion to open the public hearing. Bryan Graham seconded the motion. Karianne Jarvis and Brandon Yardley voted for, thus the motion passed unanimously. As no one was in attendance for this purpose, Karianne Jarvis made a motion to close the public hearing. Brandon Yardley seconded the motion. Don Noyes and Bryan Graham voted for, thus the motion passed unanimously. Attorney Von Christiansen asked where other CN Districts were in the area. After reviewing the zoning map, Mr. Blackner said that this would be the first Neighborhood Commercial District in the county. At Mr. Finch's request, Mr. Blackner reviewed the uses in his current A-5 District. Brandon Yardley mentioned that some of the neighbors have concerns about what this might open up in the future. After further discussion Bryan Graham made a motion to recommend the county commission approve the zone change from Agriculture-5fm to Neighborhood Commercial. Karianne Jarvis seconded the motion. Brandon Yardley and Don Noyes voted Against. With a tie-vote, Drew Coombs passed the chair to Brandon Yardley and voted for, thus the motion passed 3-2. Brandon Yardley passed the chair back to Drew Coombs.

WORK MEETING:

Mr. Blackner stated that due to missing board members we would hold the board member training at our next meeting. Additionally, he passed out a checklist for Conditional Use Permits and asked board members to review it, as time allowed. Karianne Jarvis made a motion to adjourn. Bryan Graham seconded the motion. Brandon Yardley and Don Noyes voted for, thus the motion passed unanimously.

The meeting was concluded at 8:05p.m.

Minutes approved on _____.

Drew Coombs- Chairman